



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Charles C. Packham et al.
 Serial No. : 09/826,720 ✓
 Filed : April 5, 2001
 Title : SHAVING SYSTEM AND FOILS

Art Unit : 3724
 Examiner : C. Goodman

Commissioner for Patents
 Washington, D.C. 20231

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 2002
 TC 3100 MAIL ROOM
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RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed December 3, 2001, we disagree with the requirement for restriction as stated by the Examiner and ask for its modification or withdrawal. Our reasons are presented below. In the meantime, we provisionally elect the invention of Group II including claims 22 and 24. The election is made with traverse.

We note that groups I-IX all recite claim 22 in combination with one or more other dependent claims. It makes no sense to say that two groups that include the same independent claim (in this case, claim 22) are patentably distinct. A claim cannot be patentably distinct over itself. Among the first nine groups that the Examiner has identified, claim 22 is generic. Thus, if claim 22 is allowable over the prior art, then all claims that are dependent from claim 22 should also be allowable (i.e., claims 23-31 and 38-29).

Perhaps a more appropriate restriction among claims 22-31 and 38-39 would have been on the basis of distinct species. If that is the restriction that the Examiner meant to make, then we would have elected Group II with the understanding that claim 22 is generic and claims 23-31 and 38-39 would remain in the case if claim 22 is allowable.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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